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PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Appln. of)
MASSEY, et al.) Art Unit: 3637
Serial No. 10/673,639) Examiner: Chen, Jose V.
Filed: September 30, 2003) Attorney Docket No. 16240.S17
Title: ADJUSTABLE RAIL ASSEMBLY)
FOR EXTERIOR DOOR SILL)
ASSEMBLY AND COMPONENTS)
FOR THE SAME)

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

January 12, 2006

ELECTION WITH TRAVERSE

Dear Sir:

As a preliminary matter, Applicant requests that the Attorney Docket No. for this application be updated to read "16240.S17". Thank you.

In response to a telephonic inquiry of Applicant regarding the grouping of figures, the Examiner left a telephone message for Applicant, in which he indicated that the figure groupings were corrected as follows:

Species I, Figures 1-23, 35-40, 45-54, and 67; and

Species II, Figures 24-34, 41-44, and 55-67.

Applicant hereby elects Species I, covering Figures 1-23, 35-40, 45-54 and 67, with traverse.

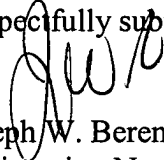
Applicant respectfully submits that at least claims 1-27, 30, 31 and 33 read on the elected species.

Applicant reserves the right to modify the above identification of claims readable on the elected species to include additional claims, whether such additional claims are already present in the application or added to the application at the future date. It is respectfully submitted that the Examiner's grouping of the Figures has made unclear, at least to Applicant, how Species I and II differ from one another, thereby complicating and imparting uncertainty to the identification of readable claims. The Office Action is devoid of a detailed or informative explanation of the rationale for assigning figures to Species I or Species II. Further, Applicant's telephonic request for such explanation has gone unanswered. Moreover, it is respectfully submitted that the Examiner's figure groupings include several apparent inconsistencies that makes it difficult, if not impossible, to decipher his rationale for grouping the figures as he has. For example, Figure 67 is included in each group, even though the species are supposed to be distinct. Also, Figures 39-44 clearly relate to a common embodiment (see, e.g., paragraph 00136 of the specification), yet Figures 39 and 40 are part of Species I and Figures 41-44 are part of Species II. It is also unclear what relationship Figures 55-67 share with Figures 24-34, but not Figures 1-23. For these reasons, Applicant reserves its right to modify the identification of claims readable on the elected species.

If it is determined that a petition for extension and/or fees are missing or inadequate, please accept this paper as a petition for extension and charge the deficient fees, including any extra claim or petition fees, to our Deposit Account No. 50-0548 and notify the undersigned.

If, after reviewing the above, the Examiner believes any issues remain unresolved, the favor of an Examiner interview is requested and the Examiner is requested to contact the undersigned, by telephone, to schedule the same.

Respectfully submitted,



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